

REMARKS

This Amendment is filed in connection with the filing of a Request for Continued Examination, and furthermore in response to the final Office Action dated July 16, 2007, and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance is respectfully submitted to be proper.

In the Office Action of July 16, 2007, claims 1-11, 15 and 16 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,090,731 (Pike) in view of EP 1 110 988 A1 (Yamamoto). Furthermore, claims 12-14 were again rejected based on Pike in view of Yamamoto, further in view of U.S. Patent 6,384,297 (Colman). The Examiner indicated that there was no patently distinct difference between the catalyst in the prior art and the catalyst as claimed. Furthermore, the Examiner asserted that, absent unexpected results, the prior art catalyst appears to be functionally equivalent to the claimed catalyst. The Examiner further stated that "said presumption is found in the teachings of Yamamoto directed to forming polyester having good color tone. . ."

The amendments and how they respond to the rejections set forth in the Office Action are explained below in detail.

In the present Amendment, claim 1 has been amended and claims 5 and 6 have been canceled.

No new matter has been added. Support for the amendment to claim 1 can be found on page 27 at lines 4-8 and on page 28, lines 6-13 of the original specification, for example.

Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1-4 and 7-16 are all the claims pending in the application.

Applicant traverses the rejection, and respectfully requests that the Examiner reconsider and withdrawal the rejection in view of the following remarks.

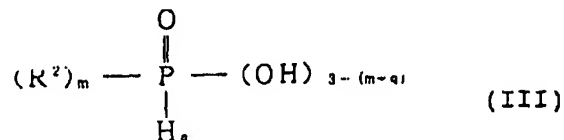
Pike discloses a composite fabric usable as a filter medium, comprising a non-woven web (a first layer) of autogenously bonded uncrimped multicomponent spunbond fibers which comprise a first thermoplastic polymer component and a second thermoplastic polymer component different in melting point from the first polymer component, wherein the fibers are bonded to each other at fiber cross-overpoints and a microfiber web (a second layer) laminated to the non-woven web.

The second thermoplastic polymer of the non-woven web (the first layer) may be a polyester as described in claim 5 of Pike, or may be polyethylene terephthalate as recited in claim 9 of Pike.

However, Pike is silent as to the catalyst for producing the polyester or polyethylene terephthalate as recited in claims 5 and 9 of Pike. Pike does not teach or suggest the specific catalyst recited in present claim 1.

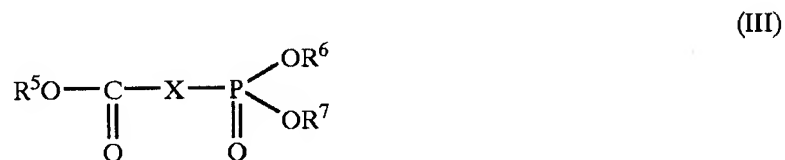
Further, Pike is silent as to the basis mass of the non-woven web thereof. Pike also does not teach or suggest the specific advantages of the catalyst for the present invention, namely that the resultant non-woven fabric of the present invention has a good color tone (a high L* value and a low b* value), uniform and stabilized quality, and particularly, has considerable practical utility in applications that come in contact with food, for example, food packaging materials, filter materials for food, food harshness-removing sheets for food, oil filter sheets, sheets for kitchen wipers, sheets for reverse osmosis base materials, sanitary materials, filter materials for beverages, etc. Accordingly, Pike does not render the present claims obvious.

The Yamamoto reference discloses a polyester produced, by using a specific catalyst comprising a reaction product of a titanium compound component with a phosphorus compound component. The phosphorus compound component comprises at least one member selected from those represented by the formula (III) :



wherein $m = 1$ or 2 , $q = 0$ or 1 , $m + q = 1$ or 2 , R^2 = an unsubstituted or substituted C_6 - C_{20} aryl group or C_1 - C_{20} alkyl group, when $m = 2$, the two R^2 groups are the same as each other or different from each other.

On the other hand, when the catalyst is a mixture of a Ti compound component with a aP compound component, the phosphorus compound component in present claim 1 comprises a phosphorus compound of the formula (III):



where R^5 , R^6 , R^7 = C_1 - C_4 alkyl group; X represents $-CH_2-$ or $-CH(Y)-$ group; and Y represents a phenyl group.

When the catalyst is a reaction mixture of a Ti compound component with a P compound component, the phosphorus compound component of the formula (V):



where $R^{12}-O$ = a C_1-C_{20} alkyloxy group or C_6-C_{20} aryloxy group, and $q = 1$ or 2 .

Thus, the phosphorus compound of the formula (III) of Yamamoto is an alkyl- or aryl phosphonic acid when $m = 2$ or an alkyl- or aryl phosphonic acid when $m = 1$.

In contrast, the phosphorus compound in present claim 1 is drawn to a di-alkyl ester of carboalkoxy $-CH_2-$ (or $-CH(Y)^P-$) phosphonic acid of the Formula (III) and a mono or di-alkyl or aryl-phosphate of the Formula (V), which are clearly different from and not taught or suggested by the alkyl- or aryl-phosphonic acid described in EP '988.

Additionally, the Yamamoto reference is silent as to a non-woven fabric having a basis mass of 10 to 500 g/m^2 .

Accordingly, present claim 1 is patentable over Yamamoto as relied upon in the Office Action. Claims 2-4, 7-11, 15 and 16 depend from claim 1 and are therefore patentable for at least the above-mentioned reasons. Thus, withdrawal of the rejection is respectfully submitted to be proper.

Turning to the rejection of claims 12-14, based on Pike in view of Yamamoto, further in view of Colman, Applicant traverses and respectfully requests the Examiner to reconsider the rejection in view of the above traversal regarding Pike and Yamamoto, and further in view of the following remarks.

Colman discloses a water dispersible pantiliner comprising a paper peel strip 1, a water-soluble garment attachment adhesive 2 for attaching the peel strip to a baffle 3 comprising a blend of polyethylene oxide and ethylene-acrylic acid copolymer, an absorbent core layer 5 comprising pulp, and water-dispersible polymer fibers adhesively attached to the baffle through a construction adhesive 4 and in turn to a body side liner 6, the body side liner comprising crimped water-dispersible sheath-core conjugate fibers.

Colman states, at column 8, lines 61 to 64, that the sheath-core conjugate fibers preferably have a denier of about 3 to 6 and a length of less than 6 mm. Referring to column 9, lines 26 to 46, of Colman et al., the air laid cover is a 50/50 blend of binder fibers and Nylon fibers (2.2 dtex). However, Colman is silent as to the denier of the binder fibers.

Additionally, Colman does not teach or suggest a heat-adhesive conjugate fiber containing, as a fiber-forming thermoplastic polymer, a polyethylene terephthalate polymer produced by using a specific catalyst as defined in claim 1 of the present application.

Furthermore, Colman fails to teach or suggest a non-woven fabric having a basis mass of 10 to 500 g/m² as is now set forth in claim 1

Still further, Colman does not teach or suggest the specific advantages of the non-woven fabric of the present invention derived from the using of the specific catalyst and the specific basis mass. Thus, even supplementing Pike and Yamamoto, Colman does not render the present claims obvious. Accordingly, withdrawal of the rejection based on Pike in view of Yamamoto further in view of Colman, is respectfully submitted to be proper.

In sum, Pike, Yamamoto and/or Colman, alone or in combination, fail to teach or suggest the polyester polymer produced by using the specific catalyst as defined in present

claim 1, and the advantages of the resultant non-woven fabric of the presently claimed invention. Thus, no combination of the cited references affects the patentability of the present claims. Withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of pending claims 1-4 and 7-16 of the present application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

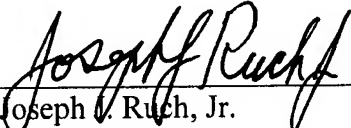
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



Joseph V. Ruth, Jr.
Registration No. 26,577

Date: December 21, 2007